

House Study Bill 35 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON BALTIMORE)

A BILL FOR

1 An Act providing for an exemption from municipal tort
2 liability for claims arising from tubing or sledding on
3 municipality-controlled property.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 670.4, subsection 1, paragraphs n and o,
2 Code 2015, are amended to read as follows:

3 n. Any claim based upon or arising out of a claim of
4 negligent design or specification, negligent adoption of design
5 or specification, or negligent construction or reconstruction
6 of a public facility designed for purposes of skateboarding,
7 in-line skating, bicycling, unicycling, scootering, river
8 rafting, canoeing, ~~or kayaking,~~ tubing, or sledding that was
9 constructed or reconstructed, reasonably and in good faith,
10 in accordance with generally recognized engineering or safety
11 standards or design theories in existence at the time of the
12 construction or reconstruction.

13 o. Any claim based upon or arising out of an act or
14 omission of an officer or employee of the municipality or
15 the municipality's governing body by a person skateboarding,
16 in-line skating, bicycling, unicycling, scootering, river
17 rafting, canoeing, ~~or kayaking,~~ tubing, or sledding on public
18 property when the person knew or reasonably should have known
19 that the skateboarding, in-line skating, bicycling, unicycling,
20 scootering, river rafting, canoeing, ~~or kayaking,~~ or
21 sledding created a substantial risk of injury to the person
22 and was voluntarily in the place of risk. The exemption from
23 liability contained in this paragraph shall only apply to
24 claims for injuries or damage resulting from the risks inherent
25 in the activities of skateboarding, in-line skating, bicycling,
26 unicycling, scootering, river rafting, canoeing, ~~or kayaking,~~
27 tubing, or sledding.

28 EXPLANATION

29 The inclusion of this explanation does not constitute agreement with
30 the explanation's substance by the members of the general assembly.

31 This bill provides an exemption from liability regarding
32 a municipality's negligent design or specification, or
33 negligent construction or reconstruction, of a public facility
34 designed for tubing or sledding purposes that was constructed
35 or reconstructed in accordance with generally recognized

1 engineering or safety standards or design theories.

2 The bill also provides an exemption from liability
3 for municipalities relating to claims based upon acts or
4 omissions of an officer or employee of the municipality by
5 a person engaged in tubing or sledding when the person knew
6 or reasonably should have known that the tubing or sledding
7 created a substantial risk of injury and the person was acting
8 voluntarily.

9 A municipality in Code chapter 670 is defined as a city,
10 county, township, school district, or other unit of local
11 government.